

Board of Mineral Mining Examiner's Meeting
Summary Minutes
March 7, 2003
Charlottesville, VA

Members Present: George Blair, William Holman, David Johnson, Michael Riggs, George Rolen, Mike Sheets, and Conrad Spangler.

Members Not Present: David Ryan and Virlo Stiltner.

Others Present: Jeff Stewart and Paul McCann

The meeting opened at approximately 9 am with a welcome from Mr. Spangler and a brief introduction of the persons in attendance and an overview of the purpose and agenda of the meeting.

New Member Orientation

Paul McCann and Conrad Spangler conducted a new member orientation for William Holman, who was appointed to the Board by Governor Warner effective July 1, 2002, for a four-year term ending June 30, 2006, to succeed A.F. Cone, Jr. Mr. McCann reviewed the Virginia Freedom of Information Act, Conflict of Interest Act, and Administrative Process Act. Mr. Spangler provided a brief history of the Board and background of the current Board members.

Certification Program Status/Update

Jeff Stewart presented certification program training statistics for MSHA fiscal years 1997 through 2002. Mr. Stewart also discussed recent enhancements to DMM's certification program including National Safety Council first aid and CPR training and certification, certification lookup feature on the division's web site, and on-line (internet) availability of certification program applications/forms and information. Mr. Stewart also provided examples of recently developed certification program training tools and support materials including Surface Foreman and Surface Blaster certification study guides, tri-fold brochures, and PowerPoint presentations.

Meeting Minutes

The board unanimously approved a motion that authorizes the chairman of the board to prepare, review, and post meeting minutes. Meeting minutes must be posted electronically to the regulatory Town Hall site (www.TownHall.state.va.us).

Proposed Changes to the BMME Certification Requirements for Mineral Miners (4 VAC 25-35)

Mr. McCann reviewed the proposed changes to the board's certification requirements for mineral miners and discussed the current status of the proposed changes within the regulatory approval process and the steps that remain to approve and finalize these changes. Mr. McCann stated that the proposed changes to the requirements reflect the board's recommendations from the last meeting (held in December 2001) and agency comments.

Upon completion of the review, the board voted unanimously to approve the proposed changes and continue with the regulatory approval process. Mr. McCann indicated that the next stage is to submit the proposed action to the Office of the Attorney General and the Department of Planning and Budget for review and approval, followed by a public comment period, and then the action will enter its final stage of the approval process.

Open Discussion

General Assembly Actions Related to DMME

Mr. Spangler discussed bills related to DMME that were recently approved by the General Assembly and that the Governor is considering: (1) HB 2465 and SB 1173 to increase fees paid to DMME for permits and licenses (the revenue from the fee increases will offset additional budget reductions to preserve services we are providing to the mineral extraction industries); and (2) HB 1623 to exempt scientific workers, delivery workers, customers (including commercial over-the-road truck drivers), vendors, and visitors from being included in a mineral mine operator's miner training program.

New ATF Requirements Effective May 24, 2003

A board member commented that new ATF requirements would be effective May 24, 2003 and that these new requirements include background checks for individuals who buy, sell, use, or transport explosives as well as new permit/license requirements. After a brief discussion, it was agreed that the new ATF requirements would be burdensome to the mineral mine blasting industry and require a significant amount of time and resources to comply with it.

Review Surface Blaster Exam

A board member commented that the current BMME surface blaster certification exam appears to place too much emphasis on electric blasting techniques instead of non-electric blasting techniques. The board member based his comment on his observations that non-electric techniques are more often used in the mineral mining industry today and therefore should be emphasized over electric techniques in DMM's certification program. After a brief discussion, the board agreed that DMM should review the surface blaster exam and evaluate whether

the exam should be modified to reduce the number of electric blasting questions versus non-electric blasting questions.

The next meeting date was not scheduled at this time. It will be called when needed.

At approximately 11:09 am, the meeting adjourned.